

Montgomery County arbitration proposal divides former allies

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Monday, December 13, 2010; 10:07 PM

By the time Valerie Ervin arrived in Indianola, Miss., in the 1980s, cotton picking had given way to the waterlogged and bloody work of turning catfish into dinner.

"You can't have a machine gut a catfish. Cutting it, gutting it, filleting it - that's all hand work," said Ervin, remembering her time as an organizer for the United Food and Commercial Workers International Union.

Ervin, elected last week as president of the Montgomery County Council, was dispatched from Washington to the Delta as backup for striking workers in a newly formed local. She organized food banks and utility payments and tried to lift the spirits of a group of African American women whose deplorable working conditions reminded her of her father's stories about growing up in the Jim Crow South.

"They made them stand in water for hours at a time, no bathroom breaks, cuts on their hands, missing fingers. They were the poorest people I had ever seen," Ervin said.

She helped the women hold out for a better contract.

It marked the beginning of a years-long trek across the country during which Ervin unionized aluminum smelter workers in Oregon and nurses in Rhode Island - and set the political foundations for her life in public office.

So it was more than a bit jarring last week when one of Ervin's former union brothers, joined by an official from the National Association for the Advancement of Colored People, welcomed Ervin to her new job as council president with a withering rebuke.

Ervin had stoked their ire with a proposal, set for a vote Tuesday, to tighten what she calls "loopholes" in the county's collective bargaining law.

"After 30 years of persistent attacks on the labor movement, the right wing in America has hammered down private-sector union representation to some 7 percent of the workforce," testified Gino Renne, the leader of Montgomery's government employees union, itself part of the United Food and Commercial Workers. "Now, they are turning on public workers, where they recognize they can score points in the media by pandering to fear and resentment.

"Teachers, bus drivers, librarians, police officers, firefighters - we have all become targets of opportunity," he said. "Those attacks are unconscionable, but even worse, it's appalling when those same sentiments are echoed by some of our so-called friends who call themselves progressive Democrats."

Elbridge G. James, a top Maryland NAACP official, sat at a long table in the council chambers last week and wondered rhetorically about his own decision to move from Pennsylvania to Montgomery County.

"I didn't move to Montgomery, Alabama. I didn't move to Montgomery, Virginia, or Georgia, where they take workers' rights lightly," James said.

At issue in Tuesday's vote is a bill that would change the way labor negotiations are sometimes resolved.

Today, if the county and a union fail to reach agreement on a contract, a labor arbitrator chooses the package he or she concludes is most reasonable. Ervin's bill, submitted in the final days of the last council with the broad support of her colleagues, would instruct the arbitrator to first consider the county's ability to pay for any changes.

The issue is particularly important because the county is facing a shortfall of more than \$300 million, officials said. The council's Office of Legislative Oversight recently reported that the soaring costs of salaries and benefits for employees were squeezing services for county residents.

As it stands now, an arbitrator may consider several factors in selecting which party's proposal is best, including bargaining history and what other unions in the region have agreed upon. But under an amendment a council committee made to Ervin's bill, the arbitrator would be required to "first determine the ability of the county to afford any short-term and long-term expenditures."

The amended bill would have the arbitrator assume that there would be no tax increase and consider "the county's ability to continue to provide the current level of all public services."

Proponents say the bill is a common-sense move made urgent by tough fiscal times.

But opponents say the council already has the final say on employee contracts because it votes on the county's multibillion-dollar budget. Tightening laws on arbitration serves to "stack the deck" in favor of the county, these critics say.

County officials pointed to a list of arbitrations in recent years and noted that most of them favored public employee unions. But Renne told the council there could be alternate explanations. "It could just as easily reflect the fact that the county wasn't as well prepared to present its case as were the unions, or that the unions had a better case, or that the union positions were more reasonable," Renne said.

"I cannot afford to have a work force that is basically disenfranchised," James argued.

Ervin and several of her colleagues bristled at that interpretation.

Council Vice President Roger Berliner (D-Potomac-Bethesda) offered a spirited defense of the council president and the proposal, saying he failed to understand the opponents' logic or their rhetoric.

"You are before, I would say, one of the most progressive political bodies in the country. We are not right-wing folks," Berliner said. If the county does not solve its persistent budget shortfalls, "we will be cutting services to the working men and women who most need our county's assistance."

But some council members, even those who co-sponsored Ervin's original bill, have offered a less fulsome defense of the effort. The language in the bill was tightened after a number of officials commented on it.

"I wish the dialogue leading up to this bill could have been more inclusive," council member George Leventhal (D-At Large) said.

He also questioned the bill's potential effectiveness in helping to solve the county's deeper financial problems.

But Ervin said the fierce pushback by union leaders demonstrates the importance of both the immediate bill and the coming conflicts over county spending.

She said she respects the fact that Renne is fighting for his union's members. Still, she said, the tactics are transparent.

"I think the message to the council was, 'If we can attack Valerie this way, imagine what we'll do to you,' " Ervin said.

"It rattled some cages. I had at least four or five colleagues stop by my office. They were concerned about the harshness of the attack."

Ervin said she sees no irony in facing pressure from a labor movement she worked to build in Mississippi and elsewhere.

"I'm always going to support people who work for a living," Ervin said. "I'm in no different a situation today than I was then, except the people I'm speaking on behalf of are the taxpayers of Montgomery County. I don't see anything incongruent about that."